

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LILIANA BARRIOS-CONTRERAS,

Plaintiff,

-against-

BIG FISH ENTERTAINMENT, LLC, also known as “MTV Entertainment Studios”; DAN CESAREO; RASHEED DANIELS; MAX MILLER; CHARMAINE WALKER, also known as “Charmaine Bey”; VAN JOHNSON; COREY ROBINSON, also known as “Phor”; DOES I THROUGH X, INCLUSIVE; ROE,

Defendants.

23-CV-5821 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964, and the New York State and New York City Human Rights Laws, alleging that her employer discriminated against her based on her sex and race. Plaintiff also asserts claims under state law for defamation, slander, and intentional infliction of emotional distress. By order dated August 1, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. On August 4, 2023, the Court ordered the Clerk of Court to issue summonses for Defendants Big Fish Entertainment, LLC and Dan Cesareo and to complete and deliver all documents necessary to effect service to the U.S. Marshals Service. The Court additionally directed Plaintiff to provide the service addressed for Defendants Daniels, Miller, Walker, Johnson, and Robinson. Plaintiff provided the addresses for those Defendants on August 11, 2023.

On August 16, 2023, the Court ordered the Clerk of Court to issue summonses for Defendants Daniels, Miller, Walker, Johnson, and Robinson and to complete and deliver all

documents necessary to effect service to the U.S. Marshals Service. On September 6, 2023, the U.S. Marshals Service filed with the Court a document demonstrating that mail service on Defendants Daniels, Miller, Walker, Johnson, and Robinson returned unexecuted. On September 11, 2023, Plaintiff filed a notice of motion with the Court providing updated service addresses for Defendants Big Fish Entertainment, Cesareo, Daniels, Miller, Walker, Johnson, and Robinson.

## DISCUSSION

### **A. Service on Remaining Defendants**

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants Big Fish Entertainment, Cesareo, Daniels, Miller, Walker, Johnson, and Robinson through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for these defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

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<sup>1</sup> Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the complaint until the Court reviewed the complaint and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to issue summonses for Big Fish Entertainment, LLC, Dan Cesareo, Rasheed Daniels, Max Miller, Charmaine Walker Bey, Van Johnson, and Corey Robinson, complete the USM-285 forms with the addresses for these defendants, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is also directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: September 15, 2023  
New York, New York



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JESSICA G. L. CLARKE  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302
2. Dan Cesareo  
Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302
3. Rasheed Daniels  
Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302
4. Max Miller  
Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302
5. Charmaine Walker  
Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302
6. Van Johnson  
Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302
7. Corey Robinson  
Big Fish Entertainment, LLC  
101 Hudson Street 40<sup>th</sup> Floor  
Jersey City, New Jersey 07302